

EASTERN DISTRICT OF TEXAS

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The motion to vacate is **GRANTED** to the extent movant shall be allowed to proceed with an out-of-time appeal and **DISMISSED** without prejudice in all other respects. The judgment in *United States v. Starks-Fitts*, 1:12cr119(4), is **VACATED** and the Clerk of Court shall reinstate the judgment as of the date of entry of the final

judgment in this proceeding. Movant shall have 14 days from such date in which to file a notice of appeal. If appropriate, counsel will be appointed to represent movant on appeal. An appropriate final judgment shall be entered.

SIGNED at Tyler, Texas, this 28th day of June, 2019.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE